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May 18, 2004

## VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

~  
boston  
dallas  
delaware

new york

san diego

silicon valley

twin cities

washington, dc

Re: **EX PARTE MEETING**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

Today, Todd Gray (outside counsel to the National ITFS Association) and I (outside counsel to the Catholic Television Network) met with Bryan Tramont, Chief of Staff to Chairman Michael Powell regarding the above-referenced proceeding.

We discussed whether eligibility rules for holding Instructional Television Fixed Service ("ITFS") licenses should be modified so as to permit ITFS licenses to be held by for-profit entities. Currently, the rules require ITFS licensees to be accredited schools or other governmental or non-profit entities that provide services to accredited schools. We expressed the view that current eligibility rules for ITFS need to be retained and that open eligibility for ITFS licenses would result, over time, in the *de facto* reallocation of a substantial part of the ITFS band to a commercial service. We emphasized that providing educational institutions with access to small amounts of capacity as an educational set-aside on ITFS channels held by for-profit entities would be no substitute for ITFS spectrum licensed to and controlled by educators. In this regard, we pointed out that educators need to retain control for themselves how to best use ITFS spectrum, and share it with commercial operators, to meet their varied and changing educational needs. We also explained the many ways in which the Commission's existing ITFS leasing policies are beneficial to both educational and commercial entities.

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Letter to Marlene H. Dortch

May 18, 2004

Page 2

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this summary of our presentation is being filed electronically. Should any questions arise concerning this matter, kindly contact the undersigned.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne  
Counsel to the Catholic Television  
Network

cc by email: Bryan Tramont